

STATEMENT UNDER OATH

OF

CHARLES DUNBAR

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. District
Courthouse, 500 West Pike Street,
Clarksburg, West Virginia, on
Wednesday, February 22, 2006, at 8:55
a.m.

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2

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4 A P P E A R A N C E S (continued)

5

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P R O C E E D I N G S

MR. O'DONNELL:

My name is Joe
O'Donnell. I'm an accident
investigator with the Mine
Safety & Health
Administration, an agency of
the United States Department
of Labor. With me is Tim

1 Williams from the Solicitor's
2 Office, John Collins and Dave
3 Stuart with the West Virginia
4 Office of Miners' Safety,
5 Health and Training. I've
6 been assigned to conduct an
7 investigation into the
8 accident that occurred at the
9 Sago Mine on January the 2nd,
10 2006, in which 12 miners died
11 and one was injured.

12 The investigation is
13 being conducted by MSHA and
14 the West Virginia Office of
15 Miners' Health, Safety &
16 Training to gather information
17 to determine the cause of the
18 accident, and these interviews
19 are an important part of the
20 investigation.

21 At this time, the
22 accident investigation team

1 intends to interview a number
2 of people to discuss anything
3 that may be relevant to the
4 cause of the accident. After
5 the investigation is
6 completed, MSHA will issue a
7 written report detailing the
8 nature and causes of the
9 accident. MSHA accident
10 reports are made available to
11 the public in the hope that
12 greater awareness about the
13 causes of accidents can reduce
14 their occurrence in the
15 future.

16 Information obtained
17 through witness interviews is
18 frequently included in these
19 reports. Your statement may
20 also be used in other
21 enforcement proceedings. I'd
22 like to thank you in advance

1 for your appearance here
2 today. We appreciate your
3 assistance in this
4 investigation. The
5 willingness of miners and mine
6 operators to work with us is
7 critical to our goal of making
8 the nation's mines safer.

9 We understand the
10 difficulty for you in
11 discussing the events that
12 took place, and we greatly
13 appreciate your efforts to
14 help us understand what
15 happened.

16 This interview with Mr.
17 Dunbar is being conducted
18 under Section 103(a) of the
19 Federal Mine Safety & Health
20 Act of 1977, as part of an
21 investigation by the Mine
22 Safety & Health Administration

1 and the West Virginia Office
2 of Miners' Health, Safety &
3 Training into the conditions,
4 events and circumstances
5 surrounding the fatalities
6 that occurred at the Sago Mine
7 owned by International Coal
8 Group in Buckhannon, West
9 Virginia on January the 2nd,
10 2006.

11 This interview is being
12 conducted in the U.S. District
13 Courthouse in Clarksburg, West
14 Virginia on February 22nd,
15 2006.

16 Questioning will be
17 conducted by representatives
18 of MSHA and the Office of
19 Miners' Health, Safety &
20 Training.

21 Mr. Dunbar, the
22 interview will begin by my

1 asking you a series of
2 questions. If you do not
3 understand a question, please
4 ask me to rephrase it. Feel
5 free at any time to clarify
6 any statements that you make
7 in response to the questions.

8 After we have finished
9 asking questions, you also
10 have an opportunity to make a
11 statement and provide us with
12 any other information that you
13 believe may be important. If
14 at any time after the
15 interview you recall any
16 additional information that
17 you believe may be useful in
18 the investigation, please
19 contact Mr. Richard Gates at
20 the phone number or e-mail
21 address provided to you.

22 Your statement is

1 completely voluntary. You may
2 refuse to answer any question,
3 and you may terminate your
4 interview at any time. If you
5 need a break for any reason,
6 please let me know.

7 A court reporter will
8 record your interview and will
9 later produce a written
10 transcript of the interview.
11 Please try and respond to all
12 the questions verbally, since
13 the court reporter cannot
14 record non-verbal responses.
15 Also, please try to keep your
16 voice up. Copies of the
17 written transcript will be
18 available at a later time.

19 If any part of your
20 statement is based not on your
21 own firsthand knowledge but on
22 information that you learned

1 from someone else, please let
2 us know. Please answer each
3 question as fully as you can,
4 including any information
5 you've learned from someone
6 else.

7 We may not ask the
8 right question to learn the
9 information that you have, so
10 do not feel limited by the
11 precise question asked. If
12 you have information about the
13 subject area of the question,
14 please provide us with that
15 information.

16 At this time, Mr.
17 Collins, do you have anything
18 that you'd like to add on
19 behalf of the State of West
20 Virginia?

21 MR. COLLINS:

22 Yes. Thank you, Mr.

1 O'Donnell. Mr. Dunbar, the
2 West Virginia Office of
3 Miners' Health, Safety &
4 Training is conducting this
5 interview session jointly with
6 MSHA, and are in agreement
7 with the procedures outlined
8 by Mr. O'Donnell for these
9 interviews today. But the
10 Director does reserve the
11 right, if necessary, to call
12 or subpoena witnesses or
13 require the production of any
14 record, document, photograph,
15 or other relevant material
16 necessary to conduct this
17 investigation.

18 After the interview
19 session, if you have questions
20 or would like to provide
21 additional information, here's
22 the phone number and address

1 for Mr. Brian Mills. Thank
2 you, Mr. Dunbar.

3 MR. O'DONNELL:

4 Mr. Dunbar, are you
5 aware that you may have a
6 personal representative
7 present with you today?

8 MR. DUNBAR:

9 Yes.

10 MR. O'DONNELL:

11 Do you have a
12 representative here today?

13 MR. DUNBAR:

14 I do.

15 MR. O'DONNELL:

16 And who would that be?

17 MR. DUNBAR:

18 Mr. Rajkovich, right
19 beside me.

20 MR. O'DONNELL:

21 Are you aware that your
22 representative may have a

1 conflict of interest in
2 representing you while being
3 provided by someone else such
4 as the company?

5 MR. DUNBAR:

6 I'm aware.

7 MR. O'DONNELL:

8 Have you been pressured
9 in any way to accept this
10 person as your representative?

11 MR. DUNBAR:

12 Not at all.

13 MR. O'DONNELL:

14 With this
15 understanding, do you still
16 choose this person as your
17 representative?

18 MR. DUNBAR:

19 Absolutely.

20 ATTORNEY RAJKOVICH:

21 Can I say something
22 real quickly?

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MR. O'DONNELL:

Yes.

ATTORNEY RAJKOVICH:

First of all, Mr.

Dunbar's here in his individual capacity, but he has not been authorized by ICG to speak on behalf of the company. But from what he knows on his own and for facts, that's what he's here to testify. And I'm assuming everybody here is part of that investigative team; is that correct?

MR. O'DONNELL:

Yes, we are.

ATTORNEY RAJKOVICH:

Okay. Thank you.

MR. STUART:

How do you know he's not been authorized by the

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company?

ATTORNEY RAJKOVICH:

I know that.

MR. O'DONNELL:

Do you have any
questions regarding the manner
in which this interview will
be conducted?

MR. DUNBAR:

Not at this time, no.

MR. O'DONNELL:

Will you please swear
in Mr. Dunbar?

CHARLES DUNBAR, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

BY MR. O'DONNELL:

Q. Please state your full name
and spell your last name.

A. It's Charles C. Dunbar,
D-U-N-B-A-R.

1 Q. And your address and phone
2 number, please?

3 A. [REDACTED]

4 [REDACTED]

5 Q. And are you appearing here
6 voluntarily?

7 A. I am.

8 Q. How many years of mining
9 experience do you have?

10 A. Approximately 28.

11 Q. And could you give us a brief
12 description of your coal mine
13 employment history, the short
14 version?

15 A. Yeah. The short version,
16 degree of mining engineer from West
17 Virginia University. I have worked
18 underground as a section foreman, as
19 fire boss and as prep-plant foreman,
20 on the section as a general laborer,
21 belt man, equipment operator. The
22 majority of my background is in

1 mining engineering and ventilation.

2 I do have considerable management
3 experience, like I said, as a section
4 foreman, as chief engineer and as
5 general manager.

6 Q. And what is your present
7 position?

8 A. I am the general manager of
9 the Buckhannon division of ICG.

10 Q. And the Buckhannon division,
11 what does that encompass?

12 A. That encompasses three mines
13 and two prep-plants.

14 Q. And how long have you been
15 associated with the Sago Mine?

16 A. The actual Sago operation, as
17 it stands now, since May of 2005.

18 Q. Since May of 2005?

19 A. Yes.

20 Q. Is that when ICG took over the
21 company?

22 A. That's when I became employed

1 by ICG.

2 Q. In May of 2000?

3 A. Yeah. 2005.

4 Q. Well, prior to that, was it
5 Adger (sic)? What was the name of
6 the company?

7 A. Anker.

8 Q. Anker. And were you employed
9 by Anker Coal?

10 A. Yes, I was.

11 Q. And how long did you work for
12 Anker Coal?

13 A. From May of '94 through April
14 of '02.

15 Q. Okay. And I see there was a
16 break here between 2002 and 2005.

17 A. Correct.

18 Q. And where would that have
19 been?

20 A. I worked for Brooks Run Mining
21 Company.

22 Q. And who is that owned by?

1 A. Alpha Natural Resources.

2 Q. Are they affiliated with Anker
3 Coal in any way?

4 A. No. No, not at all.

5 Q. Or ICG?

6 A. No.

7 Q. So it was totally independent
8 either one of these operations?

9 A. Correct.

10 Q. Okay. And what was your
11 position with Anker when ICG took
12 over?

13 A. With Anker? I never did work
14 for Anker when ICG took over.

15 Q. Okay. When you worked for
16 Anker in 2002, what was your
17 position?

18 A. I was chief engineer.

19 Q. Okay. And as a general
20 manager, you held that position on
21 January the 2nd?

22 A. Yes.

1 Q. Have you held any other
2 positions with Sago, at the Sago Mine
3 or ICG?

4 A. No.

5 Q. Do you have any mining
6 certificates?

7 A. I am a first-class mine
8 foreman in the State of Virginia, the
9 State of Utah. Fire boss in the
10 State of Utah. I am a certified
11 miner in the State of West Virginia,
12 but don't hold any foreman
13 certificates at all in West Virginia.

14 Q. Okay. In your capacity as a
15 general manager, do you have to sign
16 or countersign any mine records or
17 reports?

18 A. No.

19 Q. Okay. And who is your
20 immediate supervisor?

21 A. Sam Kitts.

22 Q. And how long has Sam been your

1 supervisor?

2 A. At ICG, since May of 2005.

3 Q. Okay. And have you worked for
4 Sam prior to this?

5 A. Yes.

6 Q. In what capacity?

7 A. As the vice-president of
8 engineering for Alpha --- for Brooks
9 Run Mining Company.

10 Q. Okay. And did you work the
11 day of the accident?

12 A. I wasn't scheduled to, but I
13 did go in, yes.

14 Q. Okay. Can you tell us when
15 you learned of the explosion?

16 A. I learned that something had
17 happened at about 7:20 that morning.

18 Q. And who and when did they
19 notify you?

20 A. Johnny Stemple called me at
21 the house at 7:20.

22 Q. At 7:20?

1 A. Yes, approximately 7:20.

2 Q. Okay. And could you just tell
3 us what he told you?

4 A. Mr. Stemple said that
5 something had occurred at the mine,
6 and he didn't know exactly what yet.
7 He was not sure, and that they were
8 still trying to figure that out, and
9 he would call me back just as soon as
10 he knew more information. And I
11 ended up --- I got dressed and went
12 on to the mine.

13 Q. Okay. About what time did you
14 get at the mine then?

15 A. About eight o'clock.

16 Q. Eight o'clock that morning?

17 A. Yes.

18 Q. And what we're going to do
19 now, I'm just going to let you
20 explain from the time that you got on
21 the property, all of the events that
22 you were involved in until you left

1 the property, whatever time that was.
2 A. Okay. As I said, I arrived at
3 approximately eight o'clock, went to
4 the dispatcher's trailer and asked
5 Bill Chisolm, who was --- you know,
6 had worked that morning, what was
7 going on, what he knew. And he
8 explained to me that the One Left
9 crew was on their way out at that
10 time, they still hadn't been in
11 contact with the Two Left crew at
12 that time. They still hadn't been in
13 contact with the Two Left crew at
14 that time. And there were people
15 underground that had went
16 underground, Jeff Toler and others.
17 And he didn't give me the complete
18 list of who all was there at that
19 point. And I stayed in the
20 dispatcher's trailer for quite a
21 while there that morning listening to
22 the communications underground. And

1 in contact with Johnny on the phone
2 again. Ty Coleman on the phone,
3 trying to make sure that they were
4 contacting all the people that they
5 needed to be contacting, trying to
6 coordinate. I was making calls to
7 our chief engineer and to my boss to
8 inform them what was going on. And
9 when --- I don't recall exactly the
10 last time I talked to John, Johnny
11 Stemple. But he had still not gotten
12 ahold of anyone at MSHA. And there
13 were already EMS personnel that were
14 arriving at the site. And one of the
15 firefighters said that he knew Kenny
16 Tenney was one of our MSHA
17 inspectors.

18 Q. Uh-huh (yes).

19 A. He knew where he lived. And I
20 sent him to go to Kenny's house,
21 because Kenny lives very close to
22 Sago. That gentleman --- I don't

1 recall his name at all. But he came
2 back, said that Kenny was not home.
3 And then, at that point, Johnny had
4 called to let us know that he had
5 gotten ahold of Jim Satterfield. He
6 had issued the K Order.

7 Q. Uh-huh (yes).

8 A. And from that point, it's a
9 big, huge blur. We made a lot of
10 phone calls in trying to gather up
11 the mine rescue teams, trying to get
12 everybody within ICG notified. And
13 people started arriving onsite. They
14 set up the command center and started
15 monitoring the gasses and started the
16 rescue effort. Again, it's all a big
17 --- you know, there's a lot of stuff
18 in between. But it's pretty much a
19 blur at this point.

20 Q. And how long did you stay
21 there that day?

22 A. I was there 50 straight hours.

1 Q. So you left on January
2 the ---?

3 A. Fourth.

4 Q. Fourth?

5 A. Uh-huh (yes).

6 Q. Okay. So you didn't notify
7 MSHA?

8 A. No, I did not.

9 Q. Do you know who did, who it
10 would be?

11 A. Johnny Stemple. Uh-huh (yes).

12 Q. And what about the State? Let
13 me just get at this --- did you do
14 any of the notification or did you
15 delegate that to someone else?

16 A. That was already --- I didn't
17 delegate. They already had that
18 responsibility ---.

19 Q. That was already ---?

20 A. That was already in place.

21 Q. Okay. So when you went to the
22 dispatchers to see Flea, Flea, I

1 guess, was on then?

2 A. Uh-huh (yes).

3 Q. Did you notice the CO alert or
4 alarms that morning?

5 A. He pointed out the system,
6 yes. Uh-huh (yes).

7 Q. Okay. Now, you said that you
8 were on the telephone with some of
9 the guys. What were some of the
10 communications that were going on
11 that morning?

12 A. I tried several times to get
13 ahold of our chief engineer at his
14 cell phone and his home phone and his
15 pager and could not. So I called our
16 engineering company that does our
17 surveying directly ---

18 Q. Uh-huh (yes).

19 A. --- and got ahold of Mr. Gary
20 Hartsog, who is the owner of Alpha
21 Engineering. He was in Atlanta for
22 the football game.

1 Q. Uh-huh (yes).

2 A. He told me that there were
3 people in his office working on
4 end-of-month closings. So I called
5 Dave Prelaz, one of his engineers,
6 directly. And got survey crews set
7 up and additional mapping set up.

8 Q. Uh-huh (yes).

9 A. And Dave started to run the
10 maps for us. And getting those
11 issues resolved. And our chief
12 engineer, we finally got ahold of
13 him. Don't know exactly what time.
14 I don't recall. And then he took
15 over the mapping, surveying and all
16 of that coordination.

17 Q. Uh-huh (yes). But any of the
18 in-mine communications?

19 A. In-mine, no. I didn't do any
20 of the in-mine communication.

21 Q. Did you hear any?

22 A. I heard what was going on the

1 radio.

2 Q. That's what I mean. What did
3 you hear? What was the first
4 communication that you heard on the
5 radio?

6 A. First communication. The
7 first communication that I heard ---
8 that I think I recall was that the
9 One Left crew was on their way out on
10 the mantrip.

11 Q. Okay.

12 A. Uh-huh (yes).

13 Q. Who did you hear that from?

14 A. Don't recognize --- don't
15 remember the voice. You know, they
16 didn't identify themselves, and I
17 don't remember the voice.

18 Q. Okay. And what was it on?
19 Was it on the trolley phone?

20 A. On the trolley, yeah.

21 Q. It was on the trolley phone,
22 not the pager phone?

1 A. Don't recall.

2 Q. Okay.

3 A. I don't recall.

4 Q. But you did hear it?

5 A. Yeah, I did hear it.

6 Q. Okay. So someone said on the
7 phone that the One Left crew was
8 headed out?

9 A. Right.

10 Q. Did they say anything else?

11 A. No. Not that I recall.

12 Q. Okay. Then after that, did
13 you hear any other communications
14 over the mine phone system at all?

15 A. At that point, I went back to
16 the mine office and was using the
17 land --- the telephone over there to
18 make calls.

19 Q. Okay.

20 A. And I was out for --- I was
21 out for probably over an hour, hour
22 and a half, I'd say, over there

1 trying to do that.

2 Q. Did you hear any of the
3 communication between the underground
4 and the surface from Jeff Toler or
5 Mr. Wilfong or ---

6 A. No. I ---.

7 Q. --- any of those gentlemen
8 that were attempting to ---?

9 A. No. Didn't hear anything.

10 Q. Okay. So yours --- and then
11 after that --- so that was the only
12 communication you heard?

13 A. Right.

14 Q. And then you left the
15 dispatchers.

16 A. Uh-huh (yes).

17 Q. And where did you set up?

18 A. I was in what used to be the
19 small engineering office, right
20 across from Jeff Toler's office there
21 in the mine office.

22 Q. Okay.

1 A. Using the phone.

2 Q. Okay. And you say that other
3 people had dispatched EMS and ---?

4 A. Yes.

5 Q. The mine rescue teams?

6 A. They had --- Johnny Stemple
7 and Ty Coleman had started contacting
8 the mine rescue people. And EMS was
9 already showing up. So I don't know
10 who made that initial contact.

11 Q. Okay. So EMS was already
12 showing up. And that was about what
13 time?

14 A. Again, there were already
15 volunteer firefighters there shortly
16 after 8:00.

17 Q. Okay.

18 A. Uh-huh (yes).

19 Q. And do you recall when the
20 first mine rescue teams arrived and
21 who it was?

22 A. Don't recall the times at all.

1 Q. Afternoon?

2 A. No. It wasn't afternoon that
3 I can remember. But again, I don't
4 recall exactly.

5 Q. Before noon?

6 A. I don't recall.

7 Q. Okay.

8 A. Sorry.

9 Q. What about --- do you know
10 which teams were the first to
11 respond?

12 A. I don't know that for a fact.

13 Q. Okay.

14 A. I just know that our local ---
15 Ty or someone told me that our local
16 mine rescue were onsite.

17 Q. Okay. Do you have any --- do
18 you recall when the command center
19 --- when MSHA, the state, and ICG
20 established the command center and
21 where it was located?

22 A. It was located in Jeff Toler's

1 office, the superintendent's office.

2 Q. Okay.

3 A. And the exact time, I don't
4 remember too well.

5 Q. Afternoon?

6 A. Probably. I don't recall.

7 Q. Before dark?

8 A. Oh, yes.

9 Q. That's what I mean. I'm
10 trying to get some kind of idea. And
11 who was located in the command
12 center?

13 A. Myself, Ty Coleman, Mr.
14 Collins was there.

15 Q. Okay.

16 A. There were numerous other
17 people, and I had no idea who they
18 were, from MSHA and the State. At
19 that point, there was several people
20 I had never met.

21 Q. Okay. Who was the person that
22 was in charge from ICG?

1 A. I was for a time. Then when
2 Sam showed up, Sam was the senior
3 manager.

4 Q. So you were the lead for how
5 long? When did Sam get there?

6 A. Sam was there after noon.

7 Q. After noon?

8 A. Yes. Uh-huh (yes).

9 Q. Okay. So the primary players
10 --- the primary people responsible
11 for ICG was yourself, Sam Kitts ---

12 A. Uh-huh (yes).

13 Q. --- and Ty Coleman?

14 A. Ty Coleman. Uh-huh (yes).

15 Q. And was there anyone else
16 involved?

17 A. Tim Martin, corporate director
18 of safety. He was there later that
19 evening.

20 Q. Okay.

21 A. Uh-huh (yes).

22 Q. Okay. So now we're back to

1 --- now, did you have any involvement
2 or decision making in the drilling of
3 the boreholes?

4 A. Just from an overview
5 standpoint.

6 Q. What about the selection of
7 the drilling company? How did that
8 work?

9 A. We started using just our
10 local contacts. And we talked to
11 Senator Mike Ross. And he's big into
12 oil and gas, and he has a lot of
13 contacts. He helped us out with
14 those.

15 Q. Were there any drilling
16 companies that contacted you offering
17 their services?

18 A. Yes. Uh-huh (yes).

19 Q. And what --- how did you deal
20 with that? What was the ---?

21 A. Mr. Kitts dealt with them
22 moreso than myself. And the company

1 that drilled the hole at Quecreek,
2 they offered their services. They
3 came in and talked to Sam. Sam
4 explained the situation, where we
5 were, the terrain. And they
6 determined that they couldn't help us
7 at that time, because we were already
8 well on our way to doing --- you
9 know, drilling the size hole that we
10 thought we needed.

11 Q. So they said they couldn't
12 help you?

13 A. Right.

14 Q. Okay.

15 A. Uh-huh (yes).

16 Q. So there were logistical
17 problems before you started drilling?

18 A. Well, logistical from the
19 standpoint that, you know, we were
20 dozing the pad and it was down in ---
21 it was on a hillside down in some
22 trees. And their rig was very large.

1 And we already had a rig that was
2 going to do, I think, about the same
3 size hole. And so we went forward
4 with those folks.

5 Q. Okay.

6 A. Uh-huh (yes).

7 Q. What was the name of that
8 company again, the drilling company?

9 A. I'm sorry. I can't recall
10 their name. But they were from
11 Virginia.

12 Q. And what about the surveying
13 of the hole?

14 A. What about the surveying?

15 Q. Did you encounter any problems
16 with that?

17 A. We did encounter difficulties
18 because of the weather.

19 Q. Uh-huh (yes).

20 A. The GPS units would not read
21 because of the cloud cover. And we
22 ended up --- the surveying crews sat

1 on the Sago permanent points. And
2 they went to another mine that had
3 been closed and sat on those
4 permanent points to get a better idea
5 of the accuracy. And then they sat
6 --- they went to the site and sat and
7 waited, basically, for a break in the
8 clouds to get the point exactly
9 located.

10 Q. And about how long did that
11 take?

12 A. I don't know exactly. I don't
13 recall.

14 Q. Okay. About what time did you
15 start the road to the Second Left
16 borehole?

17 A. Don't know.

18 Q. Who decided to drill in Second
19 Left?

20 A. Don't remember that --- who
21 all was in the room when that was
22 being discussed. Myself and Sam

1 Kitts were there. Joe Myers, our
2 engineer was there.

3 Q. Uh-huh (yes).

4 A. Don't recall who made the
5 exact decision.

6 Q. So was it like a joint
7 decision?

8 A. It was a joint decision, yeah.

9 Q. Okay.

10 A. Uh-huh (yes).

11 Q. The location was at the
12 tailpiece of Second Left; right? Was
13 there some reason why you couldn't
14 drill it further into the section,
15 into one of the working places? I
16 mean ---.

17 A. What I recall is what the ---
18 where the pad was located, there was
19 a small drain. It was on a hillside,
20 but the drain dropped off a little
21 bit farther inby. And they felt that
22 that would be the best location for

1 the drill to set up on right there.

2 Q. Okay.

3 A. Uh-huh (yes).

4 Q. After the drill hole went in,
5 what was done then?

6 A. When the drill went in, they
7 stopped the rig and got everything
8 quiet and pounded on the steel and
9 waited for a response. And I don't
10 know exactly how long they waited,
11 but they did wait several minutes for
12 a response. Didn't get a response.
13 And then the reports that we got back
14 were that they started pulling the
15 steel out and then they dropped a
16 camera down the hole and looked
17 around. And the first time the
18 camera went down, it got mud on it
19 and we had to clean it off and drop
20 it again. They looked around, saw no
21 damage, no smoke, no activity.

22 Q. Any methane or CO levels?

1 A. There was methane and CO ---
2 or I'm sorry. I recall the CO
3 readings. I don't recall the other
4 readings.

5 Q. What were the CO readings?

6 A. They were high, but I don't
7 recall exactly what they were.

8 Q. High over 1,000, under 1,000?

9 A. Yeah. I recall 1,300 parts
10 per million.

11 Q. Okay.

12 A. That may not be exactly right.

13 Q. Based on everything that you
14 knew at that time, what did you think
15 happened in the mine?

16 A. I didn't know. Just that we'd
17 had an explosion of some kind.

18 Q. Oh, you knew you had an
19 explosion?

20 A. Uh-huh (yes).

21 Q. And did you have any idea
22 where it might be?

1 A. No. No. Did not.

2 Q. So what information was used
3 to make the decision to send the
4 teams into the mine? I mean, what
5 information did you --- I know you
6 didn't send them in right away;
7 right?

8 A. Right.

9 Q. And what ---.

10 A. We wanted to.

11 Q. Well, what was the reason why
12 you didn't?

13 A. CO coming out of the ports.
14 That was an MSHA determination. They
15 wanted to get a history of the gas
16 readings to see if we had a fire.

17 Q. And how long did that take?

18 A. 'Til after 5:00 that evening.

19 Q. After 5:00?

20 A. Uh-huh (yes).

21 Q. So after that information,
22 after the trend was established, then

1 who made the decision to send the
2 teams in? Is that what information
3 was used? It was waiting 'til that
4 trend was established and then the
5 teams went in?

6 A. As I recall, yes.

7 Q. About what time did the teams
8 go in, if you can remember?

9 A. First team went in at 5:00 ---
10 I don't know. It was between 5:00
11 and 6:00. I don't recall the exact
12 time.

13 Q. Okay. All right.

14 A. And that whole day was a blur.

15 Q. Who was in charge of the mine
16 rescue efforts for ICG?

17 A. For ICG. That would have been
18 Mr. Coleman. Ty Coleman. And with
19 the assistance from Tim Martin on the
20 phone.

21 Q. And what about yourself and
22 Sam?

1 A. We didn't have direct
2 responsibility over that, no. We
3 were on the edges.

4 Q. Okay.

5 A. Uh-huh (yes).

6 Q. Do you know --- were you
7 involved in the decision to
8 systematically explore the mine,
9 starting from the portal? And do you
10 know why that decision was made?

11 A. Mine rescue protocol.

12 Q. Now, mine rescue protocol?

13 A. Uh-huh (yes).

14 Q. Who established that?

15 A. That's just a --- that's
16 established procedures that you
17 explore 1,000 feet and then move to a
18 fresh air basin.

19 Q. So it was a group decision by
20 the command center?

21 A. No. MSHA was pretty much
22 dictating, at that point, what we

1 were doing.

2 Q. But I mean, didn't --- as the
3 way the command center operates,
4 isn't it typical that all parties,
5 state, federal and ICG management
6 jointly decide on decisions that are
7 made for rescue and recovery?

8 A. Correct. It's supposed to be
9 a joint decision, yes.

10 Q. And you say that it was not a
11 joint decision?

12 A. It was to a point. But we had
13 to submit a written plan and get
14 approval before we could do ---

15 Q. Right.

16 A. --- what we were intending to
17 do.

18 Q. So what you did was, your
19 group suggested --- your group
20 formulated a plan, and other parties,
21 the state and federal, reviewed
22 that ---

1 A. Correct.

2 Q. --- and you jointly decided
3 --- there was an agreement?

4 A. Yes.

5 Q. So the command center made the
6 decision, then? It would be ---?

7 A. Correct.

8 Q. Okay.

9 A. Uh-huh (yes).

10 Q. So the command center's joint
11 decision was to systematically
12 explore the mine starting at the
13 portal?

14 A. Uh-huh (yes).

15 Q. Okay. What about the decision
16 to establish power to parts of the
17 mine to pump water during the
18 exploration? Why did that have to be
19 done?

20 A. Otherwise, we could have
21 blocked the entrance to the mine.

22 Q. Do you know if One Right or

1 Second Right were explored as the
2 teams progressed into the mine?

3 A. They were not.

4 Q. They were not?

5 A. No.

6 Q. Why was that decision made?

7 A. Because we had firsthand
8 information from the folks that had
9 come out ---

10 Q. Okay.

11 A. --- that had been into block
12 58. And there was no reason to
13 explore those.

14 Q. Okay. So again, the decision
15 was made by command center ---

16 A. Uh-huh (yes).

17 Q. --- that there was not ---
18 that was not an issue, to bypass One
19 Right and Second Right and travel
20 further into the mine?

21 A. Right.

22 Q. Do you know whether One Left

1 was explored as the teams progressed
2 into the mine?

3 A. Yes.

4 Q. And what was that? Why was
5 One Left --- One Left was not
6 explored?

7 A. No. It was explored,
8 partially.

9 Q. Partially?

10 A. Yes. And I was out of the
11 command center for a few hours to
12 take a break when that was going on.

13 Q. Okay.

14 A. So I was --- there are gaps in
15 when I was there.

16 Q. Okay. Just what you know.

17 A. Yeah. And I wasn't there for
18 --- when we got to the mouth of One
19 Left, I was out trying to take a
20 break.

21 Q. So One Left was --- you say,
22 to the best of your knowledge, was

1 partially explored?

2 A. I think.

3 Q. Okay.

4 A. I don't know that to be
5 correct.

6 Q. Would that be the same reason,
7 why it wasn't completely explored, is
8 because of information that you had?

9 A. And again, I don't know.

10 Q. Okay.

11 A. I wasn't in the command center
12 at that time.

13 Q. Okay. Do you know if the Old
14 Second Left and the seal location
15 were explored as teams progressed
16 into the mine?

17 A. Yes.

18 Q. It was?

19 A. Partially.

20 Q. Partially?

21 A. Uh-huh (yes).

22 Q. Okay.

1 A. Very partially.

2 Q. Okay. And after the empty
3 mantrip was found at Second Left,
4 even though communications was
5 extended beyond what we would call
6 acceptable mine rescue protocol, ---

7 A. Uh-huh (yes).

8 Q. --- were you in agreement that
9 --- was the command center in
10 agreement that communication could be
11 extended?

12 A. Yes.

13 Q. Okay. And why did you guys
14 --- why did you make that decision?

15 A. We were relying on the mine
16 rescue captains. They were under
17 there. They knew what they had. And
18 they were fully aware of what they
19 could and couldn't do.

20 Q. Okay. So the command
21 center, ---

22 A. Uh-huh (yes).

1 Q. --- the decision making
2 parties, the company, the state and
3 the federal, jointly agreed to
4 explore, rescue, recover, that
5 method?

6 A. Correct.

7 Q. Okay. When you were in the
8 command center and the misinformation
9 came out, could you describe to us
10 the best that you can recall what
11 happened?

12 A. I was standing in the hallway
13 at that point and taking a break from
14 inside the command center. I was
15 standing in the doorway. And we
16 heard the transmission come across
17 the mine phone that there was 12
18 alive. And the place pretty much
19 broke up in pandemonium at that
20 point. And there was a lot of
21 confusion, a lot of noise. And a
22 gentleman from Consol that was on the

1 phone with the mine rescue teams, he
2 was trying to get clarification. He
3 was trying to figure out what exactly
4 was going on. There was a time lag
5 between that initial communication
6 and when they started to get
7 information where 12 alive was not
8 correct. Didn't look at my watch at
9 those times --- at that point. I
10 don't know the exact timeline. And
11 we finally got everybody calmed down
12 to the point where they could
13 understand what was going on a little
14 bit more underground and the
15 communication came back that we only
16 had one alive, then, at that point.

17 Q. I know you can't --- you say
18 you don't remember the times, exact
19 times.

20 A. Uh-huh (yes). Right.

21 Q. But time period, would you say
22 a half an hour, 15 minutes?

1 A. It's very difficult to say
2 because there was so much going on.

3 Q. Uh-huh (yes).

4 A. And again, I just didn't look
5 at my watch. I mean, time was kind
6 of moving kind of at a standstill at
7 that point.

8 Q. Was it that it didn't get
9 straightened out until, I guess, they
10 carried Mr. McCloy to the fresh air
11 base? Is that when it came back, or
12 did you get the word before that?

13 A. We got the word before that.

14 Q. Did you?

15 A. Uh-huh (yes). Yes. Yes.

16 Q. So my guess is the
17 communication stretch, with the
18 radios ---

19 A. Right.

20 Q. --- became less extended and
21 communication became better?

22 A. Uh-huh (yes).

1 Q. When the word came through,
2 then, in your opinion?

3 A. I can only guess that that's
4 what occurred, yes.

5 Q. Yeah. Okay. And the
6 communications' system, it was tied
7 into other places, other than the
8 command center; is that right? The
9 pager phone system would be able ---
10 was able to be heard by how many
11 other places?

12 A. There were other pagers in the
13 mine office. And I don't know
14 whether there were any others outside
15 of that or not. I wasn't outside of
16 the office very much, so I don't
17 know.

18 Q. Okay. Well, there would be
19 one over in the dispatcher's ---.

20 A. Correct. Uh-huh (yes).

21 Q. And the 24-foot trailer, had
22 that been set up yet, or is that

1 something that's always there? I'm
2 not familiar with your operation.

3 A. What we call the office
4 trailer that's there now?

5 Q. Yes.

6 A. No, that wasn't there.

7 Q. That wasn't there?

8 A. That wasn't there, no.

9 Q. Okay. I wasn't sure.

10 A. No.

11 Q. So there wouldn't have been a
12 phone there?

13 A. No.

14 Q. Just in the mine office and
15 the dispatcher's area. How do you
16 think the information got to the
17 families that --- without --- you
18 know, how did it get out of that
19 command center?

20 A. There were ---.

21 Q. Do you have any idea?

22 A. There were 100 cell phones.

1 And that's just a guess.

2 Q. Yeah. What do you think
3 happened on January the 2nd?

4 ATTORNEY RAJKOVICH:

5 Let's take a little
6 break. Can we take a break?

7 MR. O'DONNELL:

8 Sure.

9 SHORT BREAK TAKEN

10 MR. O'DONNELL:

11 Mr. Collins, do you
12 have any follow-up questions?

13 BY MR. COLLINS:

14 Q. If I may, Mr. Dunbar, first
15 I'd like to just make sure my notes
16 are right on what's been covered
17 some. But I have a question or two
18 about that. But on the morning of
19 the event, were you contacted --- you
20 said you were contacted by Johnny
21 Stemple?

22 A. Correct.

1 Q. Did anyone else from the mine
2 contact you?

3 A. No.

4 Q. Do you know if they attempted
5 to?

6 A. No.

7 Q. No, you don't know if they
8 attempted to or no, you ---?

9 A. I don't know if anyone else
10 attempted to or not. I had no calls
11 on my cell phone.

12 Q. Did the Anker Sago Mine or
13 International Coal Group Anker Sago
14 Mine, do they have a mine emergency
15 plan that you're aware of?

16 A. Yes.

17 Q. And is it located in the
18 dispatcher's office, that you know
19 of?

20 A. It's supposed to be. I'm not
21 sure where it was that morning.

22 Q. And as part of that plan, is

1 it --- are you familiar with the
2 plan?

3 A. Somewhat, yes.

4 Q. And as part of that plan, is
5 it to notify officials in an event
6 like this?

7 A. Correct. Yes.

8 Q. And is your name on that?

9 A. The copy that was at the mine,
10 I'm not sure if I'm on there or not.
11 I don't know. But I would have been
12 on the list that Johnny Stemple had
13 with him, as our assistant safety
14 director.

15 Q. Is your cell phone number the
16 number that's given to the mine or
17 Johnny Stemple for emergencies?

18 A. Both of my numbers. My home
19 and cell are both there, yes.

20 Q. Both numbers. But you don't
21 know if they attempted to contact
22 you?

1 A. No, I don't. No.

2 Q. And I think you said Johnny
3 Stemple contacted you at 7:20?

4 A. Yes. Approximately.

5 Q. Could you tell me again what
6 Johnny told you when he called you?

7 A. Johnny said that there had
8 been some type of event at Sago and
9 he wasn't sure exactly what had
10 happened. They had --- he said they
11 were in contact with the One Left
12 crew but could not get in touch with
13 the Two Left crew, and that he was
14 attempting to contact the state and
15 federal officials at that point. And
16 I told him to call me back just as
17 soon as he knew what had happened or
18 had any more information.

19 Q. And I think you said you left
20 for the mine?

21 A. Correct.

22 Q. And you live real close to the

1 mine?

2 A. Yes, sir. Uh-huh (yes).

3 Q. So you arrived at the mine at
4 about eight o'clock?

5 A. Right. Uh-huh (yes).

6 Q. Then also, you talked about
7 who was in charge of this command
8 center.

9 A. Uh-huh (yes).

10 Q. And in particular, about who
11 was in charge of the command center
12 for ICG.

13 A. Uh-huh (yes).

14 Q. Okay. And I think your answer
15 was that you were sometime?

16 A. At times, yes. Ty Coleman was
17 in there a lot of the time that I was
18 there. And Ty was the official ICG
19 rep.

20 Q. And that started out with Mr.
21 Coleman being in charge?

22 A. Correct.

1 Q. I think you said you worked 50
2 hours straight?

3 A. Yes, sir.

4 Q. Do you know how long Ty ---
5 Mr. Coleman worked?

6 A. He was there close to that
7 same length of time. I don't know
8 exactly.

9 Q. Then a little bit of a
10 question about what time the teams
11 arrived.

12 A. Uh-huh (yes).

13 Q. What time did you say you
14 believed the first mine rescue team
15 arrived?

16 A. I really don't recall the
17 time. I just --- someone, and I
18 don't remember who exactly, too, said
19 that the mine rescue teams had shown
20 up on the property. And there was a
21 lot going on. I wasn't taking notes.
22 Didn't write a lot of stuff down. So

1 I really can't answer to an exact
2 time. I just don't know.

3 Q. Okay. The command center is
4 set up. And you know, there is
5 people there from ICG, Anker, there's
6 people there from the state and
7 federal.

8 A. Yeah.

9 Q. Certain people sitting at the
10 table, but a lot of other people,
11 also.

12 A. Right.

13 Q. But you said that when
14 something was going to occur, or a
15 decision was made, then that was made
16 in that command center?

17 A. Yes.

18 Q. And everyone pretty well knew
19 what was going to be made there?

20 A. Yes.

21 Q. Then were there any other ---
22 other than the command center, were

1 there other offices where --- or
2 locations where state and federal
3 people were discussing this event or
4 making decisions at this event?

5 A. Yes, there were. And there
6 were people in each office in the ---
7 in my office building. ICG, state
8 and federal people, yes.

9 Q. Then not --- I just want to
10 clarify something on these phones
11 that --- I know the question was
12 asked about this pager phone that
13 came in to the command center.

14 A. Right.

15 Q. Then I think you said that
16 pager phone was also like in the mine
17 foreman's office, where the foremen
18 do their book work?

19 A. There was one in there, yes.
20 But I don't ---.

21 Q. I know we later took that out.

22 A. Correct. Yes, sir.

1 Q. But it was in there for a
2 while?

3 A. Yes, it was.

4 Q. Would it have been in the
5 chief electrician's office?

6 A. Yes, sir.

7 Q. Would it have been in the
8 dispatcher's office?

9 A. Yes, sir.

10 Q. It was also --- I'll say,
11 there was one installed in the state
12 mine rescue ---.

13 A. Okay. I wasn't aware of that
14 one.

15 Q. Yeah. There was quite a bit
16 of communication on the surface, you
17 know, because that's ---.

18 A. And there was one in the mine
19 foreman's office, also.

20 Q. You arrived at the mine about
21 eight o'clock, Chuck ---

22 A. Yes.

1 Q. --- Mr. Dunbar. And you've
2 said that you went to the
3 dispatcher's office.

4 A. Yes.

5 Q. And you heard the One Left
6 crew, I think you said, coming
7 outside on the rail?

8 A. Correct. That wasn't exactly
9 right. That was sometime after that
10 when we heard the first
11 communication. I don't really recall
12 the time.

13 Q. Do you know if Anker or ICG
14 has a program or a plan to
15 investigate accidents at the mine?

16 A. Yes, sir, we do. Uh-huh
17 (yes).

18 Q. And that would include
19 explosions and fires?

20 A. That would include anything,
21 yes. Uh-huh (yes).

22 MR. COLLINS:

1 I believe that's all we
2 have right now, Mr. Dunbar.

3 BY MR. COLLINS:

4 Q. One follow-up question, if I
5 may, please.

6 A. Uh-huh (yes).

7 Q. I think you stated that you
8 wasn't writing during this event,
9 particularly on January the 2nd,
10 wasn't writing a lot of stuff down?

11 A. Correct. Uh-huh (yes).

12 Q. Were you writing some stuff
13 down?

14 A. About the only personal notes
15 that I have is when Johnny called me
16 that morning, and I looked at my
17 watch at the time. And wrote down
18 what he said. And from there, there
19 is nothing else until I sat down way
20 after the fact and tried to put a few
21 thoughts together.

22 Q. And you did write down what

1 Johnny told you on the phone that
2 morning?

3 A. Partially, yes.

4 Q. And you still have those
5 notes?

6 A. I think so, yes.

7 Q. Do you know if ICG had anyone
8 in charge of taking notes of
9 occurrences on January 2nd?

10 A. Only in the command center,
11 yes.

12 Q. Do you know if the agency has
13 been provided a copy of that?

14 A. They have, as far as I know.

15 MR. COLLINS:

16 Okay. Thank you.

17 A. Uh-huh (yes).

18 BY MR. O'DONNELL:

19 Q. Okay. And I was just informed
20 we don't have that log. Could you
21 please provide that log for us?

22 ATTORNEY RAJKOVICH:

1 We'll take that under
2 advisement.

3 MR. O'DONNELL:

4 Okay. Do we have to
5 request it through the
6 channels ---?

7 ATTORNEY RAJKOVICH:

8 Yes. In writing. We
9 had requested ---.

10 BY MR. O'DONNELL:

11 Q. Mr. Dunbar, do you have any
12 idea why the company has declined to
13 provide the information to us that we
14 requested?

15 A. No. I have no idea.

16 Q. Okay.

17 ATTORNEY RAJKOVICH:

18 I'm his counsel.

19 MR. O'DONNELL:

20 What?

21 ATTORNEY RAJKOVICH:

22 I'm his counsel. I

1 don't know.

2 BY MR. O'DONNELL:

3 Q. You mentioned the name Mike
4 Ross.

5 A. Yes.

6 Q. And who is he?

7 A. He used to be a senator for
8 our area.

9 Q. Okay. And just go back over
10 how that involvement was with the ---
11 did he contact you or ---?

12 A. No. No. Some of our mine
13 site personnel know Senator Ross on a
14 personal basis.

15 Q. Okay.

16 A. And they know that he is into
17 oil and gas drilling and he has
18 access to a lot of rigs. He doesn't
19 own any himself anymore that I'm
20 aware of.

21 Q. Okay.

22 A. But he still has a lot of

1 contacts in the industry. And we
2 used him ---.

3 Q. And that's how he was
4 contacted?

5 A. Correct. Yes.

6 Q. Okay. Do you know who
7 contacted him?

8 A. I think our manager of mines,
9 Raymond Coleman was the first to
10 contact Senator Ross.

11 Q. Okay.

12 A. Uh-huh (yes).

13 Q. You said earlier that you're a
14 degreed mining engineer?

15 A. Correct.

16 Q. You have extensive experience,
17 practical experience, and
18 professional experience as a coal
19 miner, as a manager, with 28 years of
20 mining experience?

21 A. Yes.

22 Q. You've seen a lot of different

1 situations in a coal mine.

2 A. Correct.

3 Q. You're a professional that you
4 told us you were.

5 A. Uh-huh (yes). Uh-huh (yes).

6 Q. And also, you said that you're
7 here on your own behalf.

8 A. Correct.

9 Q. You're not here as a
10 representative of ICG.

11 A. Right.

12 Q. You're here representing
13 yourself.

14 A. Uh-huh (yes).

15 Q. And as a professional mining
16 person ---

17 A. Uh-huh (yes).

18 Q. --- and an experienced coal
19 miner, what do you think happened?

20 A. Don't know yet.

21 Q. Well, what do you think?

22 A. I don't know.

1 Q. Don't you have an opinion?

2 A. I don't know all the facts.

3 Q. Do you think --- well, you
4 know there was an explosion?

5 A. I think there was, yes.

6 Q. And you think it was dust or
7 methane?

8 A. Don't know.

9 Q. Because all we want to do is
10 find out. If anybody would ---
11 especially with as much experience as
12 you have, has any kind of idea what
13 happened ---.

14 ATTORNEY RAJKOVICH:

15 What's your guys'
16 opinion so far?

17 MR. O'DONNELL:

18 We haven't concluded
19 yet, either. But we do know
20 it was an explosion.

21 A. Uh-huh (yes).

22 ATTORNEY WILLIAMS:

1 And we're here
2 gathering information, that's
3 our role, from people like
4 yourself. So that's why ---.

5 A. Right.

6 BY MR. O'DONNELL:

7 Q. If you can give us a clue ---.

8 A. I know the same things you
9 guys know at this point. That's all.

10 Q. How familiar are you with the
11 Old Two Left main seals?

12 A. The seals themselves? Not
13 very familiar at all.

14 Q. Okay. Were you involved in
15 any of the building?

16 A. No.

17 Q. Did you observe any of the
18 building?

19 A. No.

20 Q. Did you --- let's see. Did
21 you ever see the seals?

22 A. No. I did not.

1 Q. Do you know --- okay. Were
2 you involved in any of the planning,
3 submittal of the plans for those
4 seals?

5 A. No.

6 Q. Do you know what an Omega seal
7 is?

8 A. Yes.

9 Q. And I don't mean that as ---
10 are you familiar with the Omega seal?

11 A. Yes, I am. Uh-huh (yes).

12 Q. And how are you familiar with
13 the Omega seal?

14 A. Just in plans in the past that
15 I've been associated with, we've had
16 Omega seals and constructed Omega
17 seals at other companies, other
18 locations.

19 Q. Okay.

20 A. Uh-huh (yes).

21 Q. And those plans that you ---
22 now, how did the ventilation --- I

1 mean, who submits the plan?

2 A. For ICG?

3 Q. Yes.

4 A. Our safety department and
5 engineering department.

6 Q. And that would be ---?

7 A. That would be Joe Myers in
8 engineering and either Ty Coleman or
9 Johnny Stemple in the safety
10 department.

11 Q. And whenever they apply, say,
12 they already had an approval for a
13 Packsetter seal ---

14 A. Correct.

15 Q. --- at that mine that had been
16 installed earlier.

17 A. Uh-huh (yes).

18 Q. Do you know why they changed
19 from a Packsetter seal, which was
20 already an approved seal that you had
21 in the mine, to a different type
22 seal?

1 A. I wasn't part of that
2 conversation or part of that
3 decision. That was a mine site ---

4 Q. Okay.

5 A. --- situation.

6 Q. So you have no involvement in
7 submitting plans?

8 A. No, I don't.

9 Q. Recommending ---?

10 A. No.

11 Q. No recommendations? So
12 really, what are your primary duties,
13 then?

14 A. As the general manager ---

15 Q. Yes.

16 A. --- I kind of coordinate the
17 entire circus down there. I have
18 people under me that are responsible
19 for the activities and duties that
20 you just described.

21 Q. Okay. So like what is it,
22 then? I mean, do you --- is it a

1 review of production, is it a review
2 of mining projections?

3 A. My general focus is the
4 day-to-day safety and production
5 activities of the company. And the
6 prep plan. The prep plans in the
7 mines, rather.

8 Q. Okay.

9 A. I review, on a daily basis,
10 you know, how we're doing, accidents,
11 production, maintenance items, any
12 issues like that. The day-to-day
13 workings of the operations, I leave
14 to the managers at the sites.

15 Q. Okay.

16 A. And then, if they have any
17 issues that need brought to my
18 attention, they'll review them with
19 me on a phone call or at a staff
20 meeting.

21 Q. Okay.

22 A. Okay.

1 Q. So the way the structure is,
2 you're the general manager?

3 A. Yes.

4 Q. And Sam Kitts is your
5 supervisor?

6 A. Correct.

7 Q. He is --- and what's his
8 title?

9 A. Vice-president of operations
10 for West Virginia and Maryland.

11 Q. And who is his supervisor?

12 A. Ben Hatfield.

13 Q. And Ben Hatfield's position
14 is?

15 A. President and CEO of ICG.

16 Q. Okay. And then --- now, under
17 you, who do you supervise?

18 A. I have a manager of mines.

19 Q. And who would that be?

20 A. Raymond Coleman.

21 Q. Okay.

22 A. And then Raymond supervises

1 the mine superintendents.

2 Q. Okay.

3 A. Okay.

4 Q. And how many superintendents
5 do you have? How many mines?

6 A. Three.

7 Q. Three mines.

8 A. Three until the end of the
9 year. Then they split our division
10 up at the end of the year. So
11 starting January 1, we just had Sago
12 and a new mine that's currently under
13 construction.

14 Q. Okay.

15 A. Okay.

16 Q. Had that taken place?

17 A. That split?

18 Q. Yes.

19 A. Uh-huh (yes).

20 Q. Oh, it did?

21 A. Yes. Uh-huh (yes).

22 ATTORNEY WILLIAMS:

1 Excuse me. That's
2 still the Buckhannon division?

3 A. The Buckhannon division now is
4 just Sago and the new mine and the
5 prep plant.

6 BY MR. O'DONNELL:

7 Q. Okay.

8 A. Uh-huh (yes).

9 Q. And then so that would be Jeff
10 Toler?

11 A. Toler (corrects
12 pronunciation).

13 Q. Toler.

14 A. Toler is the mine
15 superintendent.

16 Q. Okay. He's the mine
17 superintendent.

18 A. Uh-huh (yes).

19 Q. And then under him is ---?

20 A. General mine foreman and the
21 maintenance superintendent, the mine
22 site safety director.

1 Q. So that's Carl Crumrine?

2 A. Carl Crumrine.

3 Q. He is?

4 A. General mine foreman.

5 Q. He's right under ---?

6 A. Jeff.

7 Q. Jeff.

8 A. Uh-huh (yes).

9 Q. And now, who is under ---

10 A. Carl?

11 Q. --- Carl?

12 A. The production and third shift
13 foreman.

14 Q. Okay.

15 A. And the shift foreman.

16 Q. And who's in charge of safety?

17 A. Al Schoonover is the mine site
18 safety director.

19 Q. Okay.

20 A. Okay? And he reports to the
21 mine superintendent. But there is a
22 dotted line responsibility back to Ty

1 Coleman.

2 Q. Okay.

3 A. He's our manager of safety.

4 Q. And he is the manager of
5 safety for ---?

6 A. The division.

7 Q. The division?

8 A. Right.

9 Q. And who is his supervisor?

10 A. I am.

11 Q. You are?

12 A. Uh-huh (yes).

13 Q. Okay. Is there anyone that
14 Mr. Schoonover supervises?

15 A. No.

16 Q. So he is the onsite safety ---

17 A. Safety director.

18 Q. --- supervisor; correct?

19 A. Supervisor. Yes. Uh-huh
20 (yes).

21 Q. Okay.

22 A. Uh-huh (yes).

1 Q. Just need a short break.

2 A. Uh-huh (yes).

3 Q. We'll have to --- I was just
4 going to see if we have any follow-up
5 questions here.

6 A. Okay.

7 SHORT BREAK TAKEN

8 BY MR. O'DONNELL:

9 Q. Let's go back on the record.
10 Now, Mr. Dunbar, you said that you
11 had some notes that you took.

12 A. Yes.

13 Q. Personal notes. Would it be
14 possible that we could have a copy of
15 those?

16 A. Sure.

17 Q. Thank you.

18 ATTORNEY RAJKOVICH:

19 We'll take that under
20 advisement before we turn
21 anything over.

22 MR. O'DONNELL:

1 Okay.

2 ATTORNEY WILLIAMS:

3 Obviously, you want to
4 talk to your counsel about
5 that.

6 A. Okay.

7 ATTORNEY O'DONNELL:

8 That's right.

9 ATTORNEY WILLIAMS:

10 And you'll let us know?

11 A. Yes. They are not very
12 extensive, if you want them.

13 BY MR. O'DONNELL:

14 Q. Okay. That's fine.

15 A. Uh-huh (yes).

16 Q. Now, during the interview, I
17 know that you weren't clear on a lot
18 of the times.

19 A. Correct.

20 Q. And I can understand why it
21 was --- there was a lot of things
22 happening. But because there was a

1 log that was kept by your company, it
2 would really help us putting together
3 that timeline of events that occurred
4 that day.

5 A. Uh-huh (yes).

6 Q. So again, I would request,
7 again, that we would really like to
8 have that log and we would appreciate
9 it if you could give us that
10 information. Do you also have a
11 business card?

12 A. I do, but it's in the truck.
13 I'm sorry. I can get you one,
14 though, yes.

15 Q. Okay. We would like to just
16 put it into the record as an exhibit.
17 Would that be ---?

18 (Dunbar Exhibit One
19 marked for
20 identification.)

21 A. That's fine. That's fine.

22 BY MR. O'DONNELL:

1 Q. Okay. Thank you.

2 A. Uh-huh (yes).

3 MR. O'DONNELL:

4 Mr. Collins?

5 MR. COLLINS:

6 I have just a couple,
7 briefly.

8 BY MR. COLLINS:

9 Q. Mr. Dunbar, do you --- on the
10 day of this event, you know, there's
11 been some discussion about when mine
12 rescue teams arrived and when we got
13 ready and when we went underground.
14 In your involvement in the command
15 center and other places during this
16 day, do you recall mine rescue teams
17 coming up to you saying, we're ready
18 to go but we're not allowed to go?

19 A. No. No one did that to me
20 personally. They did not.

21 Q. Or in the command center when
22 you were in there, people ---?

1 A. No.

2 Q. Do you know of any miner or
3 groups of miners that expressed to
4 you a concern to want to enter the
5 mine?

6 A. No, sir.

7 Q. Or came to the command center
8 and said, we can --- we want to go in
9 the mine?

10 A. No, they did not.

11 Q. Then a little bit --- a
12 question on this --- I think you said
13 earlier that the company does
14 investigate accidents and fires and
15 explosions and stuff.

16 A. Uh-huh (yes).

17 Q. So are you part of that
18 investigation team?

19 A. I wouldn't want to be, no,
20 sir.

21 Q. But are you a part of the
22 investigation team for ICG on this

1 accident?

2 A. Yes, I am.

3 Q. What have you been doing to
4 determine what occurred at the mine
5 on January 2nd in this accident?

6 ATTORNEY RAJKOVICH:

7 I instruct him not to
8 answer that.

9 MR. STUART:

10 Do you want to take
11 your attorney's advice there,
12 Mr. Dunbar?

13 A. Yes.

14 BY MR. COLLINS:

15 Q. On the day of the event, is it
16 your opinion as soon as the group
17 felt like a mine rescue team was
18 available and is in line with
19 procedures --- you've mentioned mine
20 rescue procedures, things like that,
21 do you think that they entered the
22 mine?

1 A. Yes.

2 Q. Do you know who else is on the
3 Anker ICG Sago Mine investigation
4 team investigating this accident or
5 event?

6 A. Do you want a list? Okay.
7 John, what was your question again,
8 please?

9 Q. Okay. The question was, we
10 were talking about the investigation
11 being conducted by ICG Anker Sago.

12 A. Uh-huh (yes).

13 Q. Employees there and maybe the
14 procedure of how that was done. And
15 I asked the question that, did you
16 know other people employed by Anker
17 ICG that were participating in this
18 investigation?

19 A. Yes.

20 Q. And you responded?

21 A. Okay. The company folks that
22 are participating are my boss, Sam

1 Kitts, myself, Ty Coleman, Johnny
2 Stemple, Joe Myers, Kermit Melvin and
3 Jeff Toler at the mine site, Larry
4 Dean, Dick Wilfong. That's pretty
5 much it.

6 Q. There may be someone else that
7 you ---?

8 A. Yeah.

9 Q. Okay. Is this the
10 investigation that's required under
11 MSHA law that the operator is
12 required to investigate this? Is
13 that ---? If you know.

14 A. I don't really --- I don't
15 know the exact answer to that.

16 MR. STUART:

17 You all want a break?

18 ATTORNEY RAJKOVICH:

19 Not yet. Anyone?

20 OFF RECORD DISCUSSION

21 A. It's our own internal
22 investigation at this point, too,

1 also.

2 BY MR. COLLINS:

3 Q. So are you aware that ---.

4 Well, I might not. One follow-up,
5 Mr. Dunbar, on the log --- or on the
6 day of the event.

7 A. Uh-huh (yes).

8 Q. Other than the command center
9 notes, do you know if ICG Anker Sago
10 Mine kept a log of the events?

11 A. Not that I know of.

12 ATTORNEY RAJKOVICH:

13 And again, he can't
14 answer that. Just what he
15 knows personally.

16 A. Not that I'm aware of.

17 BY MR. COLLINS:

18 Q. And an example, just to
19 clarify, I know you don't know much,
20 but it would have been like mine ---
21 times the mine rescue teams arrived,
22 stuff like that is what I was looking

1 for.

2 A. Okay.

3 Q. Times that they went in.

4 A. Not that I'm aware of.

5 Q. Then as a follow-up on the
6 investigation and team members, are
7 there also people contracted or
8 temporary employees participating in
9 the investigation on behalf of ICG?

10 ATTORNEY RAJKOVICH:

11 I instruct you not to
12 answer that.

13 MR. COLLINS:

14 Thank you, Mr. Dunbar.

15 BY MR. O'DONNELL:

16 Q. As part of your investigation
17 team, have you retained the services
18 of any consultants, specialists ---?

19 ATTORNEY RAJKOVICH:

20 Same question.

21 MR. O'DONNELL:

22 What?

1 ATTORNEY RAJKOVICH:

2 Same question.

3 MR. O'DONNELL:

4 Well, what's the

5 answer?

6 ATTORNEY RAJKOVICH:

7 The answer's, we're not

8 answering.

9 MR. O'DONNELL:

10 Why?

11 ATTORNEY RAJKOVICH:

12 Okay.

13 MR. O'DONNELL:

14 Why?

15 ATTORNEY RAJKOVICH:

16 You've asked him if

17 they've retained anything. He

18 can't speak for the company.

19 BY MR. O'DONNELL:

20 Q. No. I mean personally, as a

21 person who's been working at the ---

22 on the mine site, is there anybody

1 there that's not an employee of ICG
2 but somebody that you retained and
3 you've talked to daily in regard to
4 the investigation?

5 ATTORNEY RAJKOVICH:

6 Instruct him not to
7 answer.

8 MR. O'DONNELL:

9 Why?

10 ATTORNEY RAJKOVICH:

11 I'm just instructing
12 him not to answer.

13 MR. O'DONNELL:

14 Is there a reason why?

15 ATTORNEY RAJKOVICH:

16 Yeah. You're asking a
17 company question. And he
18 can't respond on behalf of the
19 company.

20 MR. O'DONNELL:

21 No. I'm asking him as
22 a person who's been working at

1 the coal company and walking
2 around - - - .

3 ATTORNEY RAJKOVICH:

4 I'm instructing him not
5 to answer.

6 MR. O'DONNELL:

7 Why?

8 ATTORNEY RAJKOVICH:

9 I've told you.

10 MR. O'DONNELL:

11 I mean, what's the
12 reason?

13 ATTORNEY RAJKOVICH:

14 I've told you.

15 MR. O'DONNELL:

16 Okay.

17 BY MR. O'DONNELL:

18 Q. Okay. So you refuse?

19 A. Yeah.

20 Q. Okay. Just trying to find out
21 what these guys are looking at,
22 that's all.

1 A. Uh-huh (yes).

2 Q. Do you know what they're
3 looking at?

4 ATTORNEY RAJKOVICH:

5 What are you guys
6 looking at?

7 MR. O'DONNELL:

8 I'm asking the
9 questions.

10 MR. RAJKOVICH:

11 Okay. I understand.

12 A. They're looking at a lot of
13 different things but ---

14 BY MR. O'DONNELL:

15 Q. Like what?

16 A. --- I'm not sure exactly.

17 Q. So there is someone there?

18 A. There are lots of people
19 there. From you all and from us.

20 Q. But I mean, there's someone
21 there that you've retained to ---.

22 A. I haven't retained anybody.

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ATTORNEY RAJKOVICH:

Let's stop that line of questioning and move on.
Okay?

MR. STUART:

Yeah. Don't ask him if they retained them in his investigation. Just ask him if he's seen anybody there that he knows or at least has reason to believe works for the company.

ATTORNEY RAJKOVICH:

Don't answer.

MR. O'DONNELL:

I don't get it.

MR. STUART:

Why do you say yes or no, then don't answer?

ATTORNEY RAJKOVICH:

Because I'm calling the shots here.

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MR. O'DONNELL:

On behalf of MSHA, I want to thank you for appearing and answering questions today. Your cooperation is very important to the investigation as we work to determine the cause of the accident. We ask that you not discuss your testimony with any person who may have already been interviewed or may be interviewed in the future. This will ensure that we obtain everyone's independent recollection of the events surrounding the accident. After questioning other witnesses, we may call you if we have any follow-up questions that we feel that we need to ask you. If at any

1 time you have additional
2 information regarding the
3 accident that you would like
4 to provide to us, please
5 contact us at the contact
6 information that we previously
7 provided to you. And I'll
8 give you the card for Gates.

9 A. Okay.

10 MR. O'DONNELL:

11 Mr. Gates (sic), the
12 Mine Act provides certain
13 protections to miners who
14 provide information to MSHA
15 and, as a result, are treated
16 adversely. If at any time you
17 believe that you've been
18 treated unfairly because of
19 your cooperation in this
20 investigation, you should
21 immediately notify MSHA. If
22 you wish, you may now go back

1 over any answer that you've
2 given during this interview
3 and make a statement if you'd
4 like to.

5 A. No. I'm fine.

6 MR. O'DONNELL:

7 Again, Mr. Dunbar, I
8 would like to thank you for
9 appearing today. Thank you.

10

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* * * * *

12

SWORN STATEMENT

13

CONCLUDED AT 10:30 A.M.

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